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U.S. DISTRICT COURT E.D.N.Y.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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RENZO SANCHEZ and IVAN SANCHEZ

★ SEP 17 2010 ★
BROOKLYN OFFICE

GLEESON, J.

AZRACK, M.J.

Civil Action No.:

10 4257

Plaintiff,

-against-

DIVERSIFIED CONSULTANTS, INC.

Defendant(s).

COMPLAINT

DEMAND FOR JURY TRIAL

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Plaintiffs RENZO SANCHEZ AND IVAN SANCHEZ ("Plaintiffs"), by and through their attorneys, M. Harvey Rephen & Associates, P.C., as and for its Complaint against the Defendant DIVERSIFIED CONSULTANTS, INC ("DCI") hereinafter referred to as Defendant, respectfully sets forth, complains and alleges, upon information and belief, the following:

INTRODUCTION/PRELIMINARY STATEMENT

1. Plaintiff brings this action on their own behalf for damages and declaratory and injunctive relief arising from the Defendant's violation(s) of §1692 et seq. of Title 15 of the United States Code, commonly referred to as the Fair Debt Collections Practices Act ("FDCPA"), as well as certain state law claims.

PARTIES

2. Plaintiff Ivan Sanchez is resident of the State of New York, residing at 35-16 88th St., Jackson Heights, N.Y. 11372. Plaintiff Renzo Sanchez is a resident of the State of New York, residing at 94-02 42nd Ave., Elmont N.Y. 11373.

3. Defendant DCI is a Florida Corporation providing, amongst other things, debt collection legal services to third-parties, as well as engaged in the business of collecting debts, with a principal place of business located at 10550 Deerwood Park Blvd. ste 309, Jacksonville, FL 32256.

4. DCI is a "debt collector" as the phrase is defined and used in the FDCPA

JURISDICTION AND VENUE

5. The Court has jurisdiction over this matter pursuant to 28 USC §1331, as well as 15 USC §1692 et seq. and 28 U.S.C. §2201. If applicable, the Court also has pendent jurisdiction over the state law claims in this action pursuant to 28 U.S.C. §1337(a).

6. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(2).

FACTUAL ALLEGATIONS

7. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered "1" through "6" herein with the same force and effect as if the same were set forth at length herein.

8. On information and belief, Defendant, on behalf of a third-party, began collecting an alleged consumer debt from Plaintiff Renzo Sanchez by calling his brother Plaintiff Ivan Sanchez's cell phone from number 904.247.5500.

9. On information and belief, the Defendant called Plaintiff Ivan Sanchez's cell phone the first time on June 14th, 2010 at 1:50 PM.

10. The Plaintiff Ivan Sanchez informed the Defendant that the phone belonged to Plaintiff Ivan Sanchez and they should stop calling.

11. The Defendant through their Debt Collector Miss Stewart, during that first

conversation, and after being informed that the phone belonged to Plaintiff Ivan Sanchez further asked the Plaintiff Ivan Sanchez to give Plaintiff Renzo Sanchez a message.

12. The Plaintiff Ivan Sanchez said he would if he saw Plaintiff Renzo Sanchez.

13. The Defendant then asked to have Renzo Sanchez call them back and gave the number 1.800.771.5361, extension 1258 as a contact number.

14. The Defendant failed to give any of the required warnings under 15 USC §1692e(11) identifying themselves as a debt collector, that they were attempting to collect a debt and that any information obtained would be used for that purpose.

15. The Defendant further called back to Plaintiff Ivan Sanchez's cell phone on June 19th at 10:55 AM after being requested not to call again.

16. The Defendant during the second call again asked for Renzo Sanchez, and once again Plaintiff Ivan Sanchez explained that he was his brother Ivan, that it was his phone and that he requested that they not call him.

17. The Defendant in response stated :Oh, yeah, but were just following up to see if you got in touch with your brother."

18. With the DCI calls, and with knowledge of the Plaintiff's Phone Responses, Defendant sought to annoy, abuse, and/or harass Plaintiff.

19. With the DCI calls, the Defendant violated 15 USC §1692e(11) by failure to give the required disclosures.

20. The Defendant further violated 15 USC §1692f(5) – by causing charges to be made to Plaintiff Ivan Sanchez's cell phone while concealing the true purpose of the communication.

21. As a result of Defendant's abusive, deceptive and unfair debt collection

practices, Plaintiffs has been damaged.

FIRST CAUSE OF ACTION
(Violations of the FDCPA)

22. Plaintiffs repeats, reiterates and incorporates the allegations contained in paragraphs numbered "1" through "21" herein with the same force and effect as if the same were set forth at length herein.

23. Defendant's debt collection efforts attempted and/or directed towards the Plaintiff violated various provisions of the FDCPA, including but not limited to 15 USC §1692d – preface and d(5), 15 USC §1692c(b), and 15 USC §1692f.

24. As a result of Defendant's violations of the FDCPA, Plaintiff has been damaged and is entitled to damages in accordance with the FDCPA.

DEMAND FOR TRIAL BY JURY

25. Plaintiffs RENZO SANCHEZ AND IVAN SANCHEZ hereby respectfully requests a trial by jury for all claims and issues in its Complaint to which it is or may be entitled to a jury trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs RENZO SANCHEZ AND IVAN SANCHEZ demands judgment from the Defendants DIVERSIFIED CONSULTANTS, INC. as follows:

- A. For actual damages provided and pursuant to 15 USC §1692k(a)(1);
- B. For statutory damages provided and pursuant to 15 USC §1692k(2)(A);
- C. For statutory damages provided and pursuant to 15 USC §1692k(2)(B);
- D. For attorneys' fees and costs provided and pursuant to 15 USC

§1692k(a)(3);

E. A declaration that the Defendant's practices violated the FDCPA;
F. For any such other and further relief, as well as further costs, expenses and disbursements of this action, as this Court may deem just and proper.

Dated: New York, New York
September 16th, 2010

Respectfully submitted,

By: 
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*Attorneys for the Plaintiffs RENZO SANCHEZ AND
IVAN SANCHEZ*

To: Diversified Consultants, Inc.
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Jacksonville, Florida, 32256
(Via Prescribed Service)

Clerk,
United States District Court, Eastern of New York
(For Filing Purposes)

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EASTERN DISTRICT OF NEW YORK

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